

Message Text

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INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-11

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R 211753Z JAN 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 5845

INFO USMISSION USBERLIN

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 01110

E.O. 11652: GDS

TAGS: PFOR, PGOV, WB, GW, UR

SUBJECT: SOVIET JANUARY 14 DEMARCHE TO FRG

REF: MOSCOW 708

SUMMARY: GERMANS HAVE RAISED JANUARY 14 SOVIET DEMARCHE
IN BONN GROUP. PRELIMINARY ANALYSIS IS THAT SUBSTANCE
OF PROTEST CONTAINS NO NEW ARGUMENTATION AND CAN EASILY
BE REFUTED. SOVIET MOTIVATION AND MODALITIES EMPLOYED,
HOWEVER, ARE SOURCE OF PUZZLEMENT. END SUMMARY.

1. FRG FONOFF HAS PASSED TO ALLIED BONN GROUP REPS
COPIES OF TELEGRAM FROM FRG EMBASSY MOSCOW CONTAINING
TEXT OF AND COMMENTARY ON JANUARY 14 SOVIET DEMARCHE.

2. IN TRIPARTITE DISCUSSIONS ALLIED REPS AGREED THAT:

A. ALTHOUGH SOVIET COMPLAINT TO FRG INSTEAD OF ALLIES
ON A MATTER OF THIS SORT WAS UNUSUAL, IT WAS NOT
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UNPRECEDENTED (USSR MADE SIMILAR PROTESTS ON EXTENSION

TO BERLIN OF EUROPEAN RAILROAD CONVENTION AND HIJACKING
CONVENTION);

B. THE SUBSTANCE OF THE SOVIET COMPLAINT CONTAINED
NO NEW ARGUMENTS;

C. THE ALLIES ARE IN A GOOD POSITION RE THE FEDERAL
ELECTION LAW. THE LAW WAS TAKEN OVER IN BERLIN WITH
EXTENSIVE ALLIED RESERVATIONS (SEE BK/L (75)33) AND
WITHOUT ANY SOVIET PROTEST TO THE ALLIES;

D. SOVIET EXPLANATIONS RE THE DELAY IN FILING THE
PROTEST ARE NOT CONVINCING.

3. AT JANUARY 20 BONN GROUP MEETING, FRG REP (LUECKING)
STATED THAT THE FRG WAS IN NO HURRY TO ANSWER THE
PROTEST. POSSIBLE SOVIET MOTIVES MUST BE CAREFULLY
CONSIDERED. ON THE ONE HAND, THE PROTEST IS MODERATELY
WORDED. ON THE OTHER, THE USSR IS INVOLVING ITSELF IN
INTERNAL GERMAN AFFAIRS. IT IS NOTEWORTHY THAT THE
SOVIETS APPARENTLY WISH TO AVOID A PUBLIC DISPUTE IN
AN ELECTION YEAR; THE SUBJECT HAS NOT BEEN RAISED DURING
CURRENT VISIT OF SOVIET PARLIAMENTARIANS TO BONN.

4. THE UK REP (HITCH) ASKED FOR FRG VIEWS ON WHY THE
SOVIETS WAITED SO LONG TO MAKE THEIR PROTEST, AND THEN
MADE IT IN A WAY WHICH CONTAINS NO PROPAGANDA VALUE.
LUECKING RESPONDED THAT THE PROTEST MUST BE CAREFULLY
EXAMINED IN LIGHT OF SOVIET COMPLAINTS TO THE ALLIES.
PERHAPS THE SOVIETS WERE ATTEMPTING TO DEVELOP A "NEW

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STYLE" OF PROTESTS, BUT THE FONOFF HAD NOT YET COMPLETED ITS RESEARCH INTO THE QUESTION AND DID NOT, THEREFORE, YET HAVE A POSITION ON THIS POINT. ALL REPS AGREED TO RETURN TO THE QUESTION AT AN EARLY DATE.

5. WE WISH TO CLARIFY ONE POINT IN THE TEXT OF THE SOVIET DEMARCHE CONTAINED IN PARA 5 OF THE REFTTEL: THE REFERENCE TO ARTICLE 23 IS TO THE FRG "BASIC LAW" (CONSTITUTION) AND NOT THE FEDERAL ELECTION LAW.

6. COMMENT: IN SUM, BOTH ALLIED AND FRG REPS ARE RELAXED ABOUT THE SUBSTANCE OF THE SOVIET PROTEST. ARTICLE 23 OF THE BASIC LAW, WHICH STATES THAT THE BASIC LAW APPLIES TO THE LAENDER OF THE FRG AND ADDS THAT IT WILL TAKE EFFECT "IN OTHER PARTS OF GERMANY" WHEN THEY ACCEDE TO THE FEDERAL REPUBLIC, IS OFTEN CITED IN FRG LEGISLATION IN KEEPING WITH THE FRG'S CONSTITUTIONAL THEORY. THUS, THE SOVIET DECISION TO CHALLENGE
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ARTICLE 23 IN THIS INSTANCE, AND AT THIS TIME, IS SOMEWHAT CURIOUS. WHEREAS THE THRUST OF THE SOVIET DEMARCHE IS DIRECTED TOWARD FRG INTERESTS, THOSE ASPECTS RELATING TO THE EXTENSION OF THE FRG ELECTION LAW TO BERLIN TOUCH ON ALLIED INTERESTS AS WELL. CONSEQUENTLY, THE FRG AND ALLIES WILL JOIN IN FORMULATING AN AGREED RESPONSE TO THE SOVIET PROTEST.
HILLENBRAND

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